



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 174 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 35-31.5-2-348, AS ADDED BY P.L.114-2012,
- 4       SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       UPON PASSAGE]: Sec. 348. (a) "Victim", for purposes of
- 6       IC 35-38-1-9, ~~and~~ IC 35-38-1-17, **and IC 35-38-1-17.1**, means a
- 7       person who has suffered harm as a result of a crime.
- 8       (b) "Victim", for purposes of IC 35-37-6, has the meaning set forth
- 9       in IC 35-37-6-3.
- 10      (c) "Victim", for purposes of IC 35-38-7, has the meaning set forth
- 11      in IC 35-38-7-4.
- 12      (d) "Victim", for purposes of IC 35-40, has the meaning set forth in
- 13      IC 35-40-4-8.
- 14      (e) "Victim", for purposes of IC 35-45-10, has the meaning set forth
- 15      in IC 35-45-10-4."
- 16      Page 1, line 4, delete "who:" and insert **"who commits an offense**
- 17      **or is sentenced"**.
- 18      Page 1, delete lines 5 through 6.
- 19      Page 1, run in lines 4 through 7.
- 20      Page 1, line 7, delete "2014." and insert **"2014, unless the person**
- 21      **was convicted of or sentenced for one (1) or more of the following**
- 22      **offenses before July 1, 2014:**
- 23      **(1) Murder (IC 35-42-1-1).**
- 24      **(2) Attempted murder (IC 35-41-5-1).**
- 25      **(3) Voluntary manslaughter (IC 35-42-1-3).**
- 26      **(4) Involuntary manslaughter (IC 35-42-1-4).**
- 27      **(5) Reckless homicide (IC 35-42-1-5).**

- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (10) Child molesting (IC 35-42-4-3).
- (11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
- (12) Robbery as a Class A felony or Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or Class B felony (IC 35-43-2-1)."

Page 1, line 7, beginning with "However" begin a new line blocked left.

Page 2, between lines 33 and 34, begin a new paragraph and insert:  
 "SECTION 2. IC 35-38-1-17.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.1. (a) This section applies only to a person convicted of or sentenced for an offense described in section 17(a)(1) through 17(a)(13) of this chapter before July 1, 2014.**

**(b) Within three hundred sixty-five (365) days after:**

- (1) a convicted person begins serving the convicted person's sentence;**
- (2) a hearing is held:**
  - (A) at which the convicted person is present; and**
  - (B) of which the prosecuting attorney has been notified;**
- and**
- (3) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;**

**the court may reduce or suspend the sentence. The court must incorporate its reasons in the record.**

**(c) If more than three hundred sixty-five (365) days have elapsed since the convicted person began serving the sentence and after a hearing at which the convicted person is present, the court may reduce or suspend the sentence, subject to the approval of the prosecuting attorney. However, if in a sentencing hearing for a convicted person conducted after June 30, 2001, the court could have placed the convicted person in a community corrections program as an alternative to commitment to the department of correction, the court may modify the convicted person's sentence under this section without the approval of the prosecuting attorney to place the convicted person in a community corrections program under IC 35-38-2.6.**

1       (d) The court shall give notice of the order to reduce or suspend  
2 the sentence under this section to the victim (as defined in  
3 IC 35-31.5-2-348) of the crime for which the convicted person is  
4 serving the sentence.

5       (e) The court may suspend a sentence for a felony under this  
6 section only if suspension is permitted under IC 35-50-2-2.2.

7       (f) The court may deny a request to suspend or reduce a  
8 sentence under this section without making written findings and  
9 conclusions.

10       (g) Notwithstanding subsections (b) and (c), the court is not  
11 required to conduct a hearing before reducing or suspending a  
12 sentence if:

13           (1) the prosecuting attorney has filed with the court an  
14 agreement of the reduction or suspension of the sentence; and

15           (2) the convicted person has filed with the court a waiver of  
16 the right to be present when the order to reduce or suspend  
17 the sentence is considered."

18       Renumber all SECTIONS consecutively.

(Reference is to SB 174 as printed January 15, 2015.)

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Senator YOUNG R MICHAEL